

MINUTE ITEM

This Calendar Item No. C43 was approved as Minute Item No. 43 by the California State Lands Commission by a vote of 3 to 0 at its 2/8/00 meeting.

**CALENDAR ITEM
C43**

A 3
S 1

02/08/00
503.1888
J. Frey

**CONSIDERATION OF REQUEST TO FILE DISCLAIMER IN THE CASE OF ARTHUR STEWARD V. STATE OF CALIFORNIA, TOWN OF PARADISE ET AL.
BUTTE COUNTY SUPERIOR COURT CASE NO: 123908**

The State of California is named as a defendant in a quiet title action entitled Arthur Steward v. State of California, Town of Paradise et al. Butte County Superior Court Case No: 123908. The property which is the subject matter of the action is a 100-ft. strip of land known as Southern Pacific Transportation Co.'s Sterling City Branch right of way situated in the South 1/2 of the SW 1/4 of Section 11, T22N, R3E, MDM in the Town of Paradise, Butte County. Plaintiff Arthur Steward claims ownership of the parcel by virtue of a quitclaim deed from Jalal Sulayman. Mr. Steward previously filed an unsuccessful action to obtain title to the property. The judgement for that action found one Rosslyn Jones to be the true owner. Mr. Steward then located Ms. Jones' heirs and obtained the quitclaim deed. Mr. Steward now brings this action to clear title against the Town of Paradise and the State of California.

Staff of the State Lands Commission have examined present day and historic records and maps to determine whether there is any state sovereign interest in the subject property. The staff's conclusion is that the parcel in question occupies land in the South 1/2 of the Southwest 1/4 of Section 11, Township 22 North, Range 3 East, MDM which is within lands the State neither acquired nor patented. There are no waterways within the parcel in question. However, a federal patent for a railroad grant was located. Thus, it is the staff's belief that there is no state interest in the parcel in question.

Based on the foregoing investigation, it is recommended that the Commission authorize staff and the Attorney General's Office to file a disclaimer of any state sovereign interest in the property that is the subject matter of the lawsuit. The disclaimer shall provide that it is effective only for the parcel described in the lawsuit and for no other property for which the State may claim an interest. The disclaimer shall also provide that pursuant to Public Resources Code Sections 6461, 6463 and 6464, no cost shall be awarded against the State in the action.

CALENDAR PAGE	0293
MINUTE PAGE	0007579

CALENDAR ITEM NO. C43 (CONT'D)

PERMIT STREAMLINING ACT DEADLINE

N/A

OTHER PERTINENT INFORMATION:

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by the CEQA and the State CEQA guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.

EXHIBITS

- A. Site Map
- B. Description

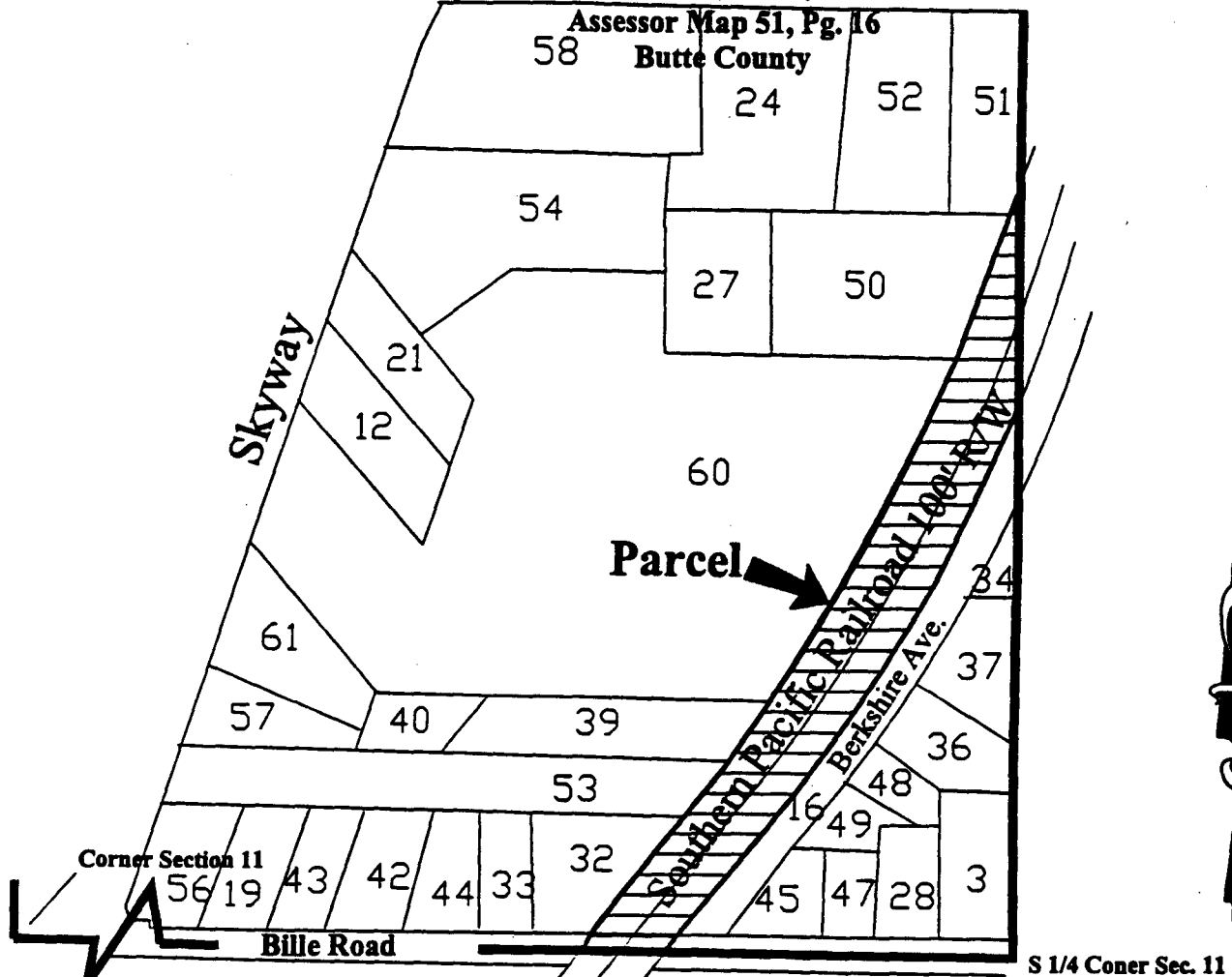
RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION. 15378.
2. AUTHORIZE THE OFFICE OF THE ATTORNEY GENERAL TO FILE A DISCLAIMER OF ANY SOVEREIGN INTEREST IN THE PARCEL IN QUESTION AS DESCRIBED IN EXHIBIT B HERETO IN THE CASE OF ARTHUR STEWARD V. STATE OF CALIFORNIA, TOWN OF PARADISE ET AL. BUTTE COUNTY SUPERIOR COURT CASE NO: 123908

NO SCALE

Arthur Steward V. State of California, Town of Paradise Part of the S. 1/2 of Sec. 11, T22N, R3E, MDB&M



NO SCALE

LOCATION MAP

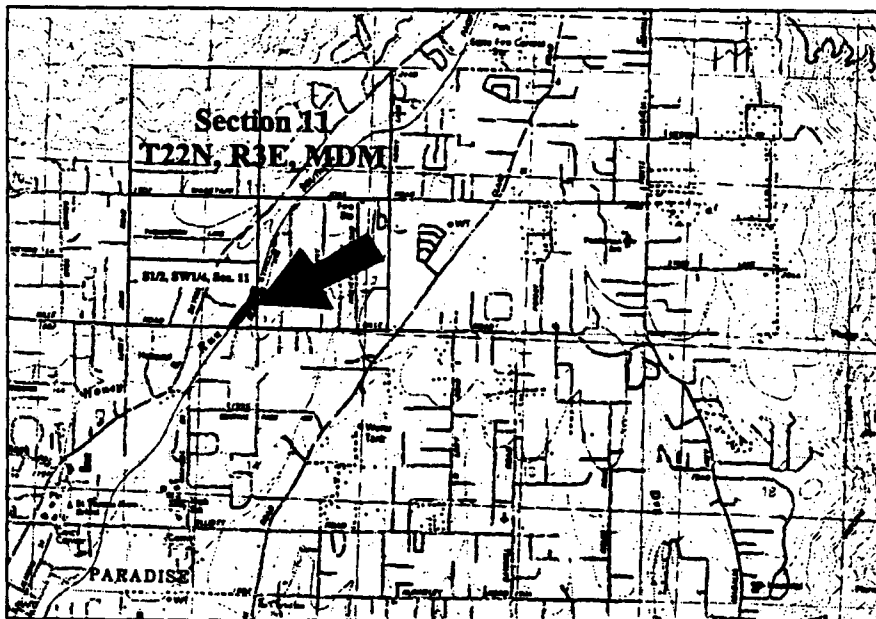


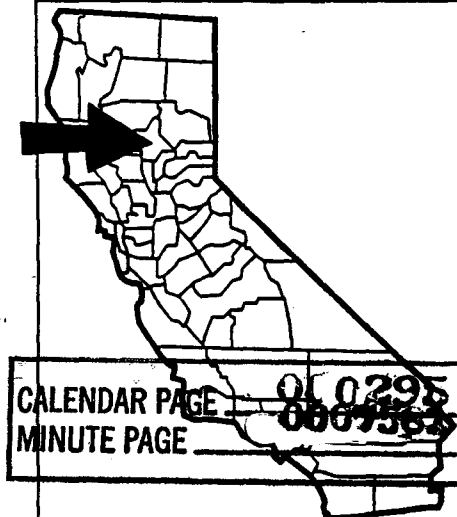
EXHIBIT A

W 503.1888

Quite Title

Action

Butte County



This Exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver of limitation of any state interest in the subject or any other property.

EXHIBIT B

All that certain real property situate in the town of Paradise, County of Butte, State of California, described as follows: all of that 100-ft. strip of land known as Southern Pacific Transportation Co.'s Sterling City Branch right of way situated in the South ½ of the SW¼ of Section 11, Township 22 North, Range 3 East, M.D. B. & M.

CALENDAR PAGE	000296
MINUTE PAGE	0007582